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Docket No. UF-266X
Serial No. 10/067,495Remarks

Claims 1-20 are pending in the subject application. By this Amendment, Applicants have amended claims 1, 2, and 3, canceled claims 6-20, and added new claims 21-71. Applicants respectfully submit that this amendment will require no further search or examination on the part of the Examiner and does not constitute new matter. Support for the new claims can be found throughout the subject specification and in the claims as originally filed (see, for example, paragraph [011]). Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 1-5 and 21-71 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

As an initial matter, Applicants submit that the elected species is directed to patentable subject matter. Accordingly, Applicants respectfully request rejoinder of the previously unelected method claims and further request full examination for patentability under 37 C.F.R. 1.104. As claims 16-20 are canceled, Applicants aver that new claims 54-71 are directed to methods of using a patentable product and request that claims 54-71 be fully examined for patentability.

Claims 1 and 3-6 have been rejected under 35 U.S.C. § 102(b) as anticipated by Prinsbach *et al.* Claims 1 and 3 have been rejected under 35 U.S.C. § 102(b) as anticipated by Gassmann *et al.*, Avram *et al.*, McDonald *et al.*, and Scharf *et al.*, claims 1-2 and 4-5 have been rejected under 35 U.S.C. § 102(b) as anticipated by Gilbert *et al.*, and claim 1 has been rejected under 35 U.S.C. § 102(b) as anticipated by Dehmlow *et al.*

Claims 1-5 have been rejected under 35 U.S.C. § 102(b) as anticipated by Gillespie *et al.*; claims 1-3, 8-10, 12 and 15 have been rejected under 35 U.S.C. § 102(b) as anticipated by Achini *et al.*; claim 1 has been rejected under Wiberg *et al.*; claims 1, 3-6, 8-10, and 12-15 have been rejected under 35 U.S.C. § 102(b) as being anticipated under Marinozzi *et al.* and Hercouet *et al.*; and claims 1-15 have been rejected under 35 U.S.C. § 102(b) as anticipated by Ezquerria *et al.* and Diaz *et al.*

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Claims 1, 4-6, and 8-15 have been rejected under 35 U.S.C. § 102(b) as anticipated by Tufariello *et al.*

Claims 1 and 2 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Boswell *et al.*, claim 1 has been rejected under 35 U.S.C. § 102(b) as anticipated by Baird, claims 1-2, 7-11 and 15 have been rejected under 35 U.S.C. § 102(b) as anticipated by MacInnes *et al.*, claims 1 and 5 have been rejected under 35 U.S.C. § 102(b) as anticipated by Lautens *et al.* and Dulayymi *et al.*, and claims 1-15 have been rejected under 35 U.S.C. § 102(b) as anticipated by Lescop *et al.*

Applicants respectfully traverse these grounds of rejection. Applicants submit that the cited references do not teach each and every element of the presently claimed invention. Specifically, none of the cited references teach phosphate, phosphonate, sugar residues, sugars, nucleosides, nucleoside monophosphates, nucleoside diphosphates, nucleoside triphosphates or a substituent of formula R₉ in the R₈ position. Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejections.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§ 1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

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The Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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